



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 2, 2009

IN REPLY PLEASE  
REFER TO FILE: **W-0**

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**PUBLIC HEARING ON IMPLEMENTATION OF THE PHASED WATER  
CONSERVATION PLAN OF THE LOS ANGELES COUNTY  
WATERWORKS DISTRICTS FOR DISTRICT NO. 29, MALIBU,  
AND THE MARINA DEL REY WATER SYSTEM  
(SUPERVISORIAL DISTRICTS 3 AND 4)  
(3 VOTES)**

**SUBJECT**

Conduct a public hearing to confirm that a water shortage emergency exists in the Los Angeles County Waterworks District No. 29, Malibu, and the Marina del Rey Water System. Based on the water shortage emergency, authorize the Director of Public Works or her designee to implement the Phased Water Conservation Plan in Part 5 of the Rules and Regulations of the Los Angeles County Waterworks Districts at the level of a Phase II Shortage in the Los Angeles County Waterworks District No. 29, Malibu, and the Marina del Rey Water System.

**IT IS RECOMMENDED THAT YOUR BOARD, AFTER THE PUBLIC HEARING,  
ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 29, MALIBU, AND THE MARINA DEL REY WATER  
SYSTEM:**

1. Determine that because of a water shortage of 15 percent affecting the Los Angeles County Waterworks District No. 29, Malibu, and the Marina del Rey Water System, the Phased Water Conservation Plan must be implemented at the level of a Phase II Shortage.

2. Adopt the Resolution implementing the Phased Water Conservation Plan in Part 5 of the Rules and Regulations of the Los Angeles County Waterworks Districts to reflect the current water shortage in the Los Angeles County Waterworks District No. 29, Malibu, and the Marina del Rey Water System.
3. Find that the implementation the Phased Water Conservation Plan in Part 5 of the Rules and Regulations of the Los Angeles County Waterworks Districts as applicable to a Phase II Shortage is exempt from the California Environmental Quality Act for the reason stated in this letter and in the record of the project.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of this recommendation is to allow the Los Angeles County Waterworks District No. 29, Malibu, and the Marina del Rey Water System (District) to implement the Phased Water Conservation Plan in Part 5 of the Rules and Regulations of the Los Angeles County Waterworks Districts at the level of a Phase II Shortage. This action is necessary in response to the 15 percent reduction in the District's water allotment by the West Basin Municipal Water District (West Basin), the sole wholesale water supplier to the District.

The Plan includes 9 phases, with a 10 percent reduction in water use in Phase I, and an increase in increments of 5 percent through Phase IX, for a total reduction of 50 percent. The Plan also includes surcharges on water use above a customer's allotment to allow the District to pass through the higher costs imposed by West Basin.

#### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3) by promoting sound, prudent, transparent fiscal policies, and practices that help ensure maintenance of critical, high-priority County public services and by ensuring that residents and businesses take the necessary steps to protect and preserve our precious water resources to lessen the potential impacts of the drought and preserve the quality of life for County residents.

#### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

California has experienced three years of extremely dry weather as well as court-ordered limits on pumping water from the Sacramento Delta, which have severely impacted reservoir storage and dramatically reduced water supplies. These circumstances led Governor Arnold Schwarzenegger to declare a state of emergency due to drought on February 27, 2009. On April 14, 2009, the Metropolitan Water District, the largest supplier of water in Southern California, implemented mandatory water conservation restrictions on all its member agencies. On April 27, 2009, West Basin, a Metropolitan Water District member agency, implemented reductions to all of its customers, including the District. West Basin will implement a surcharge on water use in excess of 85 percent of water used during the base period of 2004 to 2006 (adjusted for growth). The District must, therefore, require all of its customers to reduce their water usage accordingly as well as pass through the higher wholesale cost of water used in excess of the allotment.

In accordance with Part 5 of the Rules and Regulations of the District, during a Phase II Shortage, a customer with a water meter size of 1 inch or smaller will be billed at the normal established water rate up to a target quantity of 85 percent of the base quantity. The base quantity will be computed based on the average water usage for all meters of the same size during the corresponding billing period between 2004 and 2006. All water used in excess of the target quantity shall be subject to a surcharge per Rule 5-O-1.

For meter sizes of 1 inch or larger, the customer will be billed at the normal established water rate for all water used up to a target quantity of 85 percent of the base quantity. The base quantity will be computed by averaging the amount of water used on the customer's premises during the corresponding billing period between 2004 and 2006. Water used in excess of the target quantity shall be subject to a surcharge per Rule 5-O-1.

Adoption of the Resolution (Attachment A) will authorize the Director of Public Works or her designee to implement the Plan in Part 5 of the Rules and Regulations of the Los Angeles County Waterworks Districts beginning with Phase II, in accordance with Division 16 of the California Water Code. A copy of Part 5 of the Rules and Regulations is attached for your reference (Attachment B).

The Resolution has been approved as to form by County Counsel.

A notice of the time, date, and place of the public hearing to consider implementation of Part 5 of the Rules and Regulations was mailed to all of the District's affected customers

and should be advertised according to the instructions in Attachment C. Upon your Board's approval of implementation, a notice will be mailed to all of the District's affected customers and should be advertised according to the instructions in Attachment D.

### **ENVIRONMENTAL DOCUMENTATION**

The proposed project is statutorily exempt from California Environmental Quality Act (CEQA). Implementation of the Plan in Part 5 of the Rules and Regulations of the Los Angeles County Waterworks Districts at the level of a Phase II Shortage includes approval of certain water surcharges for the purpose of meeting operating expenses of the District and purchasing supplies, equipment or materials. These actions are statutorily exempt from CEQA pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273(a) of the State CEQA Guidelines.

Upon your Board's approval of the recommended actions, the District will file a Notice of Exemption with the Registrar-Recorder/County Clerk in accordance with Section 15062 of the CEQA Guidelines.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Implementation of the Plan will preserve the quality of life for the District's residents by ensuring that limited water supplies are conserved to meet the basic needs of all customers. A Phase II reduction in water usage should not have a negative impact on current services or planned projects. However, a prolonged drought, which requires a Phase III Shortage or higher (20 percent reductions or more), will prohibit issuance of new meters to provide construction water service as well as require all water service "Will Serve" letters to be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Plan is no longer in effect or the shortage level is reduced to Phase II or lower.

The Honorable Board of Supervisors  
June 2, 2009  
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**CONCLUSION**

Please return two adopted copies of this letter and two signed originals of the Resolutions to the Department of Public Works, Waterworks Division.

Respectfully submitted,



*fn* GAIL FARBER  
Director of Public Works

GF:AA:lr

Attachments (4)

c: Chief Executive Office (Lari Sheehan)  
County Counsel  
Executive Office

## **ATTACHMENT A**

### **RESOLUTION DECLARING A PHASE II WATER SHORTAGE WITHIN THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU, AND THE MARINA DEL REY WATER SYSTEM**

WHEREAS, on February 27, 2009, the Governor of California declared a state of emergency in response to a three-year Statewide drought, and the Department of Water Resources limited the amount of State Water Project water that is to be allocated to Southern California; and

WHEREAS, the Metropolitan Water District, the largest supplier of water in Southern California, which receives a major portion of its water supplies from the State Water Project declared a mandatory 10 percent conservation for all its customers on April 14, 2009; and

WHEREAS, West Basin Municipal Water District, the main supplier of water to the Los Angeles County Waterworks District No. 29, Malibu, and the Marina del Rey Water System (hereinafter referred to as DISTRICT) serving the Malibu, Topanga Canyon, and Marina del Rey areas receives 100 percent of its water from the Metropolitan Water District; and

WHEREAS, on April 27, 2009, the West Basin Municipal Water District reduced supplies delivered to its member public agencies and imposed severe surcharges on water use in excess of 85 percent of that used during a specified base period in order to achieve a 15 percent reduction in water usage; and

WHEREAS, in order to stretch available supplies to meet critical customer needs and to protect public welfare and safety, it will be necessary to significantly reduce water usage in DISTRICT; and

WHEREAS, in accordance with Rule 5-B-1 of the Rules and Regulations of the DISTRICT, the Board of Supervisors, as the Board of Directors of the DISTRICT, may implement the provisions of the Phased Water Conservation Plan of the DISTRICT in order to protect public welfare and safety; and

WHEREAS, these actions are statutorily exempt from the California Environmental Quality Act pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273(a) of the California Environmental Quality Act Guidelines because they include certain water surcharges for the purpose of meeting operating expenses of the DISTRICT.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Los Angeles, as the governing body of the DISTRICT, does hereby declare that there currently is a water supply shortage of between 10 and 15 percent in the DISTRICT; therefore, under the provisions of Rule 5-E-1 of the Rules and Regulation of the DISTRICT, a Phase II shortage is declared in the DISTRICT.

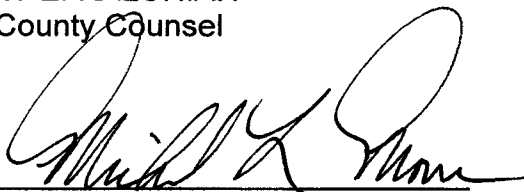
The foregoing resolution was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
by the Board of Supervisors of the County of Los Angeles as the governing body of the  
Los Angeles County Waterworks Districts.

SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

ROBERT E. KALUNIAN  
Acting County Counsel

By  \_\_\_\_\_  
Deputy

**PART 5 - PHASED WATER CONSERVATION PLAN**

**SECTION A - STATEMENT OF POLICY AND DECLARATION OF PURPOSE**

**5-A-1 STATEMENT OF POLICY AND DECLARATION OF PURPOSE:**

Because of the water supply conditions prevailing in any or all of the County Waterworks Districts and/or in the area from which any or all of the Districts obtain all or a portion of their supply, the general welfare requires that the water resources available to any or all of the Districts be put to the maximum beneficial use to the extent to which they are capable, and that the unreasonable use, or unreasonable method of use of water be discouraged and that the conservation of such water be practiced with a view to the reasonable and beneficial use thereof in the interest of the people of any or all of the Districts and for the public welfare. The purpose of this Phased Water Conservation Plan is to minimize the effect of a shortage of water supplies on the customers of any or all of the Districts during a water shortage emergency.

**SECTION B - AUTHORIZATION TO IMPLEMENT WATER CONSERVATION**

**5-B-1 AUTHORIZATION TO IMPLEMENT WATER CONSERVATION:**

**5-B-1a** The Board of Directors of the Waterworks Districts may implement the applicable provisions of this conservation plan, following the public hearing required by Rule 5-B-1b, upon its determination that such implementation is necessary to protect the public welfare and safety.

**5-B-1b** The Board of Directors of the Waterworks Districts shall hold a public hearing for the purpose of determining whether a shortage exists in any or all of the Districts and which measures provided by this ordinance should be implemented. Notice of the time and place of the public hearing shall be published not less than ten (10) days before the hearing in a newspaper of general circulation within the affected District or Districts.

**5-B-1c** The Board of Directors shall issue its determination of shortage and corrective measures by resolution published in a daily newspaper of general circulation within the affected District or Districts. Conservation surcharges assessed per Rule 5-0-1 shall become effective no sooner than the first full billing period commencing on or after the date of such publication.



**PART 5 - PHASED WATER CONSERVATION PLAN (CONTINUED)**  
**SECTION C - GENERAL PROHIBITION**

5-C-1 GENERAL PROHIBITION:

5-C-1a No customer of the District or Districts shall make, cause, use, or permit the use of water from the District or Districts in a manner contrary to any provision of this ordinance.

5-C-1b In the area of District No. 34 Desert View Highlands known as Ritter Ranch, as defined in Agreement No. 66407 as amended between the District and Ritter Park Associates, the water use limitations contained in Agreement No. 66407 as amended shall be implemented in addition to those required by this Part of these rules.

**SECTION D - PHASE I SHORTAGE**

5-D-1 PHASE I SHORTAGE:

5-D-1a A Phase I Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a ten percent (10%) shortage in its water supplies.

5-D-1b A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of ninety percent (90%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

5-D-1c For meter sizes of one (1) inch or less, a base quantity shall be computed and will be the larger of the following amounts:

1. The average of the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the Board of Directors, or

2. The amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of ninety percent (90%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per rule 5-0-1.

## **PART 5 - PHASED WATER CONSERVATION PLAN (CONTINUED)**

### **SECTION E - PHASE II SHORTAGE**

#### **5-E-1 PHASE II SHORTAGE:**

5-E-1a A Phase II Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between ten percent (10%) and fifteen percent (15%) in its water supplies.

5-E-1b A customer with a meter size of one and one-half (1 1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of eighty-five percent (85%) of the base quantity. All water used in

5-E-1c excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

5-E-1d For meter sizes of one (1) inch or less, a base quantity shall be computed and will be the larger of the following amounts:

1. The average of the water usage for all similar sized meters during the corresponding billing period to be defined by the Board of Directors, or
2. The amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of eighty-five percent (85%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1.

### **SECTION F - PHASE III SHORTAGE**

#### **5-F-1 PHASE III SHORTAGE:**

5-F-1a A Phase III Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between fifteen percent (15%) and twenty percent (20%) in its water supplies.

5-E-1c  
5-F-1c

Rev. 7/24/91  
Rev. 7/91

**PART 5 - PHASED WATER CONSERVATION PLAN (CONTINUED)**  
**SECTION F – PHASE III SHORTAGE (continued)**

5-F-1b A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of eighty percent (80%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

5-F-1c For meter sizes of one (1) inch or less, a base quantity shall be computed and will be the larger of the following amounts:

1. The average of the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the Board of Directors, or
2. The amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of eighty percent (80%) of the base quantity. All water used in excess of the target quantity shall be subject to a surcharge per Rule 5-0-1.

5-F-1d New meters to provide construction water service shall not be issued.

5-F-1e Water service ("Will Serve") letters will be issued, but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.

**SECTION G - PHASE IV SHORTAGE**

5-G-1 PHASE IV SHORTAGE:

5-G-1a A Phase IV Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between twenty percent (20%) and twenty-five percent (25%) in its water supplies.

**PART 5 - PHASED WATER CONSERVATION PLAN (CONTINUED)**  
**SECTION G - PHASE IV SHORTAGE (continued)**

5-G-1b A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of seventy-five percent (75%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

5-G-1c For meter sizes of one (1) inch or less, a base quantity shall be computed and will be the larger of the following amounts:

1. The average of the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the Board of Directors, or
2. The amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of seventy-five (75%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1.

5-G-1d The watering of lawn, landscape or other turf area with water supplied by the District shall be limited to not more than every other day and shall be prohibited between the hours of 10:00 a.m. and 5:00 p.m.

5-G-1e New meters to provide construction water service shall not be issued.

5-G-1f Water Service ("Will Serve") letters will be issued but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.

**PART 5 - PHASED WATER CONSERVATION PLAN (CONTINUED)**  
**SECTION H - PHASE V SHORTAGE**

**5-H-1 PHASE V SHORTAGE:**

**5-H-1a** A Phase V Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between twenty-five (25%) and thirty percent (30%) in its water supplies.

**5-H-1b** A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of seventy percent (70%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Supervisors.

**5-H-1c** For meter sizes of one (1) inch or less, a base quantity shall be computed and will be the larger of the following amounts:

1. The average of the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the Board of Directors, or
2. The amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

A customer with a meter size of (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of seventy percent (70%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1.

**5-H-d** The watering of lawn, landscape or other turf area with water supplied by the district shall be limited to not more than every other day and shall be prohibited between the hours of 10:00 a.m. and 5:00 p.m.

**5-H-1e** New meters to provide construction water service shall not be issued.

**5-H-1f** Water service ("Will Serve") letters will be issued but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.

5-H-1c Rev. 7/91

**PART 5 - PHASED WATER CONSERVATION PLAN (CONTINUED)**  
**SECTION I - PHASE VI SHORTAGE**

**5-I-1 PHASE VI SHORTAGE:**

**5-I-1a** A Phase VI Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between thirty (30%) and thirty-five percent (35%) in its water supplies.

**5-I-1b** A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of sixty-five percent (65%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

**5-I-1c** For meter sizes of one (1) inch or less, a base quantity shall be the average of the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the Board.

A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of sixty-five percent (65%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1.

**5-I-1d** The watering of lawn, landscape or other turf area with water supplied by the District shall be limited to not more than every third day and shall be prohibited between the hours of 10:00 a.m. and 5:00 p.m.

**5-I-1e** New meters to provide construction water service shall not be issued.

**5-I-1f** Water service ("Will Serve") letters will be issued but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.

**PART 5 - PHASED WATER CONSERVATION PLAN (CONTINUED)**  
**SECTION J - PHASE VII SHORTAGE**

**5-J-1 PHASE VII SHORTAGE:**

- 5-J-1a** A Phase VII Shortage shall be declared whenever the Board of Directors determined that it is likely that the District will suffer a shortage of between thirty-five (35%) and forty percent (40%) in its water supplies.
- 5-J-1b** A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of sixty percent (60%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.
- 5-J-1c** For meter sizes of one (1) inch or less, a base quantity shall be computed by averaging the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the Board of Directors. A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of sixty percent (60%) of the base quantity. All water used in excess of the target quantity shall be subject to a surcharge per Rule 6-0-1.
- 5-J-1d** The watering of lawn, landscape or other turf area with water supplied by the District shall be prohibited, except that trees and shrubs may be watered at any time by bucket.
- 5-J-1e** All meters to provide construction water shall be removed.
- 5-J-1f** Water service ("Will Serve") letters will be issued, but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.
- 5-J-1g** No new permanent meters shall be installed.

**PART 5 - PHASED WATER CONSERVATION PLAN (CONTINUED)**  
**SECTION K - PHASE VIII SHORTAGE**

**5-K-1 PHASE VIII SHORTAGE**

5-K-1a A Phase VIII Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between forty (40%) and forty-five percent (45%) in its water supplies.

5-K-1b A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of fifty-five percent (55%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

5-K-1c For meter sizes of one (1) inch or less, a base quantity shall be computed by averaging the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the Board of Directors. A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to fifty-five percent (55%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1.

5-K-1d The watering of lawn, landscape or other turf area with water supplied by the District shall be prohibited except that trees and shrubs may be watered at any time by bucket.

5-K-1e All meters to provide construction water shall be removed.

5-K-1f Water service ("Will Serve") letters will be issued but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.

5-K-1g No new permanent meters shall be installed.



**PART 5 - PHASED WATER CONSERVATION PLAN (CONTINUED)**  
**SECTION L - PHASE IX SHORTAGE**

**5-L-1 PHASE IX SHORTAGE**

5-L-1a A Phase IX Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between forty-five (45%) and fifty percent (50%) in its water supplies.

5-L-1b A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of fifty percent (50%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

5-L-1c For meter sizes of one (1) inch or less, a base quantity shall be computed by averaging the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the Board of Directors. A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of fifty percent (50%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1.

5-L-1d The watering of lawn, landscape or other turf area including trees and shrubs, with water supplied by the District shall be prohibited.

5-L-1e All meters to provide construction water shall be removed.

5-L-1f Water service ("Will Serve") letters will be issued, but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.

5-L-1g No new permanent meters shall be installed.

**PART 5 - PHASED WATER CONSERVATION PLAN (CONTINUED)**  
**SECTION M - RELIEF FROM COMPLIANCE**

5-M-1 RELIEF FROM COMPLIANCE:

5-M-1a A customer may file an application for relief from any provisions of this ordinance. The Director of Public Works shall develop such procedures as he or she considers necessary to resolve such applications and shall, upon the filling by a customer of an application for relief, take such steps as he or she deems reasonable to resolve the application for relief. The decision of the Director of Public Works shall be final. The Director of Public Works may delegate his or her duties and responsibilities under this Rule as appropriate.

5-M-1b The application for relief may include a request that the customer be relieved, in whole or in part, from the conservation surcharge provisions of Rules 5-D-1b, 5-D-1c, 5-E-1b, 5-F-1c, 5-G-1b and 5-G-1c, 5-H-1b, 5-H-1c, 5-I-1b, 5-I-1c, 5-J-1b, 5-J-1c, 5-K-1b, 5-K-1c, 5-L-1b and 5-L-1c.

5-M-1c In determining whether to grant relief, and the nature of any relief, the Director of Public Works shall take into consideration all relevant factors including, but not limited to:

1. Whether any additional reduction in water consumption will result in unemployment;
2. Whether additional members have been added to the household;
3. Whether any additional landscaped property has been added to the property since the corresponding billing period of the base year;
4. Changes in vacancy factors in multi-family housing;
5. Increased number of employees in commercial, industrial, and governmental offices;
6. Increased production requiring increased process water;
7. Water uses during new construction;
8. Adjustments to water use caused by emergency health or safety hazards;
9. First filling of a permit-constructed swimming pool; and
10. Water use necessary for reasons related to family illness or health.

**PART 5 - PHASED WATER CONSERVATION PLAN (CONTINUED)**  
**SECTION M - RELIEF FROM COMPLIANCE (continued)**

11. Whether the basic period for billing should be adjusted due to the unique circumstances of the type of facility, such as a boat, which results in irregular, intermittent periods of consumption.

5-M-1d In order to be considered, an application for relief must be filed with the District within twenty (20) days from the date the provision from which relief is sought becomes applicable to the applicant. No relief shall be granted unless the customer shows that he or she has achieved the maximum practical reduction in water consumption other than in the specific areas in which relief is being sought. No relief shall be granted to any customer who, when requested by the Director of Public Works or designee, fails to provide any information necessary for resolution of the customer's application for relief. The decision shall be issued within twenty (20) days and provided to the customer.

**SECTION N - NOTIFICATION OF CUSTOMERS**

5-N-1 NOTIFICATION OF CUSTOMERS:

5-N-1a Each customer will be notified on his or her bill as to what the target quantity and the base quantity will be for the applicable billing period.

**SECTION O - CONSERVATION SURCHARGES**

5-O-1 CONSERVATION SURCHARGES:

5-O-1a Water use in excess of target quantities specified in Rules 5-D-1b, 5-D-1c, 5-E-1b, 5-E-1c, 5-F-1b, 5-F-1c, 5-G-1b, 5-F-1c, 5-H-1b, 5-H-1c, 5-I-1b, 5-I-1c, 5-J-1b, 5-J-1c, 5-K-1b, 5-K-1c, 5-L-1b and 5-L-1c shall be billed at the established QUANTITY CHARGE or NORMAL USE CHARGE. Water use in excess of the aforementioned target quantities shall be subject to the following conservation surcharges in addition to the established QUANTITY CHARGE or NORMAL USE CHARGE:

1. For all customers within Los Angeles County Waterworks Districts and Marina Del Rey Water System, an additional conservation surcharge of 1.0 times the established QUANTITY CHARGE or NORMAL USE CHARGE will be assessed for water use in excess of the target quantity, up to 115 percent of the target quantity.
2. For all customers within Los Angeles County Waterworks Districts and Marina Del Rey Water System, an additional conservation surcharge of 2.0 times the established QUALITY CHARGE or NORMAL USE CHARGE will be assessed for water use in excess of 115 percent of the target quantity.

**PART 5      PHASED WATER CONSERVATION PLAN (CONTINUED)**  
**SECTION O - CONSERVATION SURCHARGES**      (continued)

3. If cost purchased water obtained from the water wholesalers that sell water to the Los Angeles County Waterworks Districts increases beyond the amounts that can be offset and collected through the rates set in 1 and 2 of this provision, then the District Engineer is hereby authorized to revise the rates set in 1 and 2 of this provision in amounts necessary to offset the cost to purchase the water.

5-O-1b      Violation by any customer of the water use prohibitions of Rules 5-G-1d, 5-H-1d, 5-I-1d, 5-J-1d, and 5-K-1d shall be penalized as follows:

1. First violation. The Director of Public Works or designee shall issue a written notice of the fact of a first violation to the customer.
2. Second violation. For a second violation during any one water shortage emergency, the Director of Public Works or designee shall issue a written notice of the fact of a second violation to the customer.
3. Third and subsequent violations. For a third and each subsequent violation during any one water shortage emergency, the Director of Public Works or designee may install a flow-restricting device or the service of the customer at the premises at which the violation occurred for installing and for removing the flow-restricting devices and for restoration of normal service. The charge shall be paid before normal service can be restored.

5-O-1c      All monies collected by a District pursuant to this ordinance shall be deposited in that District's General Fund as reimbursement for the District's costs and expenses of administering this conservation plan.

5-O-1d      The District shall give notice to customer of water conservation surcharges or of water usage violations as follows:

- a. Notice of water conservation surcharges or of first and second violations of the water use prohibitions of Rules 5-G-1d, 5-H-1d, 5-I-1d, 5-J-1d, 5-K-1d and 5-L-1d shall be given to the customer in person or by regular mail.
- b. If the customer is absent from or unavailable at the premises at which the violation occurred, by leaving a copy with some person of suitable age and discretion at the premises and sending a copy through the regular mail to the address at which the customer is normally billed; or
- c. If a person of suitable age or discretion cannot be found, then by affixing a copy in a conspicuous place at the premises at which the violation occurred and also sending a copy through the regular mail to the address at which the customer is normally billed.

**PART 5      PHASED WATER CONSERVATION PLAN (CONTINUED)**  
**SECTION O - CONSERVATION SURCHARGES**      (continued)

- 5-O-1e      The notice of a violation of the water use prohibitions of Rules 5-G-1d, 5-H-1d, 5-I-1d, 5-J-1d, 5-K-1d, and 5-L-1d shall contain a description of the facts of the violation, a statement of the possible penalties for each violation and a statement informing the customer of his right to a hearing on the merits of the violation pursuant to Rule 5-P-1.
- 5-O-1f      Nothing in these regulations shall prohibit any customer from either installing sub-meters or from pro-rating and collecting from the ultimate users any conservation surcharges assessed when the customer's master meter measures consumption of water for multiple tenancy facilities. However, unless the sub-meters are subsequently billed directly by the District, the customer responsible for the master meter shall continue to be responsible directly to the District for all payments including conservation surcharges.

**SECTION P - HEARING REGARDING VIOLATIONS**

- 5-P-1      HEARING REGARDING VIOLATIONS:
- 5-P-1a      Any customer receiving notice of a third or subsequent violations of the water use prohibitions of Rules 5-G-1d, 5-H-1d, 5-I-1d, 5-J-1d, 5-K-1d or 5-L-1d shall have a right to a hearing by the Director of Public Works or his designee within fifteen (15) days of a mailing or other delivery of the notice of violation.
- 5-P-1b      The customer's written request for a hearing must be received within ten (10) days of the issuance of the notice of violation. This request shall stay installation of a flow-restricting device on the customer's premises and the assessment of any surcharge until the Director of Public Works or designee renders his or her decision. The decision shall be issued within ten (10) days of the hearing, a copy of which shall be provided to the customer.
- 5-P-1c      The decision of the Director of Public Works shall be final except for judicial review.

**PART 5     PHASED WATER CONSERVATION PLAN (CONTINUED)**  
**SECTION Q - ADDITIONAL WATER SHORTAGE MEASURES**

**5-Q-1     ADDITIONAL WATER SHORTAGE MEASURES:**

The Board of Directors may order implementation of water conservation measures in addition to those set forth in Rules 5-D-1, 5-E-1, 5-F-1, 5-F-1, 5-H-1, 5-I-1, 5-J-1, 5-K-1 and 5-L-1. Such additional water conservation measures shall be implemented in the manner provided in Rule 5-B-1.

**SECTION R - PUBLIC HEALTH AND SAFETY NOT TO BE AFFECTED**

**5-R-1     PUBLIC HEALTH AND SAFETY NOT TO BE AFFECTED:**

Nothing in this ordinance shall be construed to require the District to curtail the supply of water to any customer when such water is required by that customer to maintain an adequate level of public health and safety.

**SECTION S - SEVERABILITY**

**5-S-1     SEVERABILITY:**

If any part of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remainder of the ordinance or the application of such provision to other persons or circumstances shall not be affected. The Board of Directors of the District or Districts declares that it would have adopted this ordinance and all provisions hereof irrespective of the fact that any one or more of the provisions be declared invalid or unconstitutional.

**ATTACHMENT C**

**INSTRUCTION SHEET FOR PUBLISHING  
LEGAL ADVERTISEMENTS**

TO: Executive Officer  
Board of Supervisors  
County of Los Angeles

FROM: Department of Public Works  
Waterworks Division

**NOTICE OF PUBLIC HEARING  
FOR CONSIDERATION OF WATER SHORTAGE EMERGENCY AND  
IMPLEMENTATION OF PHASED WATER CONSERVATION PLAN IN  
THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU,  
AND THE MARINA DEL REY WATER SYSTEM**

**Publishing**

The Executive Officer of the Board of Supervisors shall cause notice of the public hearing, in the form and manner specified in Sections 66016 and 6062a of the Government Code, to be published in the *Topanga Messenger*, *The Argonaut*, *The Los Angeles Times*, *Malibu Surfside News*, and *The Malibu Times* newspapers published and circulated in the County of Los Angeles, which are hereby designated for that purpose, and such publication to be completed not less than ten days prior to the date of said hearing.

Forward five reprints of the attached advertisement to the County of Los Angeles Department of Public Works, Waterworks Division, Post Office Box 1460, Alhambra, California 91802-1460.

Should there be any questions regarding this matter, please contact Ms. Melinda Barrett of this office at (626) 300-3362, Monday through Thursday, 7 a.m. to 5:45 p.m.

MB:lr

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## **ATTACHMENT C**

### **NOTICE OF PUBLIC HEARING TO IMPLEMENT THE PHASED WATER CONSERVATION PLAN FOR THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU, AND THE MARINA DEL REY WATER SYSTEM**

In accordance with the California Water Code, Section 375, the Los Angeles County Board of Supervisors, as the Board of Directors of the Los Angeles County Waterworks Districts (Districts), will hold a public hearing on June 2, 2009, at 9:30 a.m. in the Hearing Room of the Board, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012, in the matter of determining whether or not a water shortage emergency exists in the Los Angeles County Waterworks District No. 29, Malibu, and the Marina del Rey Water System and whether to implement the Phased Water Conservation Plan.

On May 23, 1991, the Board of Supervisors approved a multiphase water conservation plan for the Districts that provided for water usage reductions ranging from 10 to 50 percent depending on a water supply shortage to any or all of the Districts. Target goals were established for the Districts that were based on historical usage for larger commercial and multiresidential meters (1 inch or larger) and based on the Districts' average usage for smaller residential meters.

The Board of Supervisors will consider and may adopt the Plan as recommended by the Director of Public Works. The Plan will be in effect no sooner than the first full billing period commencing on or after the date of publication of the notice to the Los Angeles County Waterworks District No. 29, Malibu, and the Marina del Rey Water System customers.

For additional information regarding this matter, please call (626) 300-3362.

Si no entiende este aviso o si necesita más información, favor de llamar al teléfono (626) 300-3314. Nuestra oficina esta abierta de 7 a.m. a 5:45 p.m., de lunes a jueves.



**INSTRUCTION SHEET FOR PUBLISHING  
LEGAL ADVERTISEMENTS**

TO: Executive Officer  
Board of Supervisors  
County of Los Angeles

FROM: Department of Public Works  
Waterworks Division

**NOTICE OF IMPLEMENTATION OF PHASED WATER CONSERVATION PLAN  
IN THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU,  
AND THE MARINA DEL REY WATER SYSTEM**

**Publishing**

Upon approval of Agenda Item No. xxx, the Executive Officer of the Board of Supervisors shall cause notice of the Board of Directors' determination of shortage and implementation of the Phased Water Conservation Plan for the Los Angeles County Waterworks District No. 29, Malibu, and the Marina del Rey Water System by resolution to be published in a daily newspaper of general circulation within the affected District. Surcharges assessed per the Phased Water Conservation Plan in Part 5 of the Rules and Regulations of the Los Angeles County Waterworks Districts shall become effective no sooner than the first full billing period commencing on or after the date of such publication.

The Notice should be printed in *The Los Angeles Times*, the *Topanga Messenger*, *The Argonaut*, *The Malibu Times*, and the *Malibu Surfside News* as soon as possible after the Board takes action to implement the Plan.

Forward five reprints of the attached advertisement to the County of Los Angeles Department of Public Works, Waterworks Division, Post Office Box 1460, Alhambra, California 91802-1460.

Should there be any questions regarding this matter, please contact Ms. Melinda Barrett of this office at (626) 300-3362, Monday through Thursday, 7 a.m. to 5:45 p.m.

MB:lr

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Attach.

## **ATTACHMENT D**

### **NOTICE OF IMPLEMENTATION OF THE PHASED WATER CONSERVATION PLAN FOR THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU, AND THE MARINA DEL REY WATER SYSTEM**

In accordance with the California Water Code, Section 375, the Los Angeles County Board of Supervisors, as the Board of Directors of the Los Angeles County Waterworks Districts, determined at its June 2, 2009, public hearing that a water supply shortage exists in the Los Angeles County Waterworks District No. 29, Malibu, and the Marina del Rey Water System (District), and authorized implementation of the Districts' Phased Water Conservation Plan.

On May 23, 1991, the Board of Supervisors approved a multiphase water conservation plan, which was amended on March 3, 2009, for the Los Angeles County Waterworks Districts that provided for water usage reductions ranging from 10 to 50 percent depending on the severity of a water supply shortage to any or all of the Los Angeles County Waterworks Districts.

The Board has now declared a water shortage exists that calls for a 15 percent reduction of water use in the District. Target goals have been established for the District's customers that are based on historical usage for larger commercial and multiresidential meters (1 1/2 inch and larger) and based on the District's average usage for smaller residential meters. Customers will be notified by mail of their target goals.

The Board of Supervisors adopted the Plan on June 2, 2009. The Plan will be in effect the first full billing period after the publication of this notice. If there is further reduction in the water supply available to the District, the Director of Public Works or her designee may advance to the next Phase of the Phased Water Conservation Plan and publish a notice in this newspaper as well as notifying customers by all reasonable means.

For additional information regarding this matter, please call (310) 456-6621.

Si no entiende este aviso, o si necesita más información, favor de llamar al teléfono (626) 300-3314. Nuestra oficina esta abierta de 7 a.m. a 5:45 p.m., de lunes a jueves.